Provo City Planning Commission Administrative Hearing

Report of Action

November 18, 2015

ITEM 1

Gary Beardall, representing Nola Burgess, requests preliminary and final subdivision plat approval of a 5-lot residential subdivision of approximately 2.29 acres, located at approximately 76 East 3900 North, in the R1.10 Residential Zone. Riverbottoms Neighborhood. 15-0029SF, Aaron Ardmore, 801-852-6404

The following action was taken on the above described item by an Administrative Hearing Officer, acting in behalf of the Provo City Planning Commission, on November 18, 2015:

APPROVED WITH CONDITIONS

Administrative Hearing Officer: Brian Maxfield

Includes facts of the case, analysis, and conclusions outlined in the Staff Report, with any changes noted. Administrative Hearing Officer determination is consistent with the Staff analysis and determination.

Conditions of Approval:
1. That the technical requirements of the Coordinator Review Committee be completed prior to recording the plat.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

NEIGHBORHOOD AND PUBLIC COMMENT

The Neighborhood Chair addressed the Administrative Hearing Officer during the public hearing. Neighbors or other interested parties were present or addressed the Administrative Hearing Officer. Key issues raised during the public hearing included the following:
1. Ben Markham (neighborhood chair) reported on the neighborhood meeting that was held on this item, and that the 20 people in attendance were in favor of the proposal (report attached). He also noted he would like to see a fence on the west side of the development, and that neighbors to the east were against any road connection through the property to 3700 North or University Ave.
2. Ann Beardall stated that she was not opposed to a fence, once development occurs to the east.
3. Nick Faulkner stated he would like to share costs of a future fence if it was a six foot vinyl fence.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Administrative Hearing Officer included the following:
1. Gary Beardall explained that he is subdividing his families land so they can sell the lots.

Administrative decisions of the may be appealed by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, within fourteen (14) calendar days of the Hearing Officer's decision (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).
ITEM 1  Gary Beardall, representing Nola Burgess, requests preliminary and final subdivision plat approval of a five-lot, residential subdivision of approximately 2.29 acres, located at approximately 76 East 3900 North, in the R1.10 Residential Zone. Riverbottoms Neighborhood. 15-0029SF, Aaron Ardmore, 801-852-6404

<table>
<thead>
<tr>
<th><strong>Applicant:</strong></th>
<th>Gary Beardall</th>
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<tbody>
<tr>
<td><strong>Staff Coordinator:</strong></td>
<td>Aaron Ardmore</td>
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<tr>
<td><strong>Property Owner:</strong></td>
<td>Gary &amp; Ann Beardall; Nola Burgess; Joseph Burgess</td>
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<td><strong>Current Zone:</strong></td>
<td>R1.10</td>
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<tr>
<td><strong>Acreage:</strong></td>
<td>2.29</td>
</tr>
<tr>
<td><strong>Number of Lots:</strong></td>
<td>5</td>
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<tr>
<td><strong>Council Action Required:</strong></td>
<td>No</td>
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**ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is December 2, 2015, 5:00 p.m.*

2. **Deny** the requested Plat. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

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<th><strong>Current Legal Use:</strong></th>
<th>The land is currently three parcels, with one single-family home on the north end.</th>
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**Relevant History:** The recent approval for a residential development, Orchard Estates, provided a new access from University Avenue, 3900 North. The addition of this public street has given the applicant the ability to subdivide the subject property.

**Neighborhood Issues:** Staff has spoken with Ben Markham, the neighborhood chair, regarding this proposal. He indicated that he will hold a neighborhood meeting, but that has not occurred at the time of this report. There is opposition to this proposal from the adjacent neighbors to the west.

**Summary of Key Issues:**

- The subdivision would create four additional residential lots in addition to the existing home at 76 E 3900 N.
- The western part of the road and sidewalk for the proposed access (70 East) would not be improved, as it lays on property not owned by the applicant.
- The proposal is currently under review of the Coordinator Review Committee (CRC).

**Staff Recommendation:** Staff recommends that the five-lot, residential subdivision of 2.29 acres at 76 East 3900 North be approved, with the following conditions:

1. That the technical requirements of the CRC be completed prior to recording the plat.
OVERVIEW

Mr. Beardall is requesting a five-lot subdivision at 76 East 3900 North, in order to create four additional single-family residential building lots. These lots would be accessed from a new public street at 70 East, off of 3900 North. The westernmost portion of the new street would be left undone until, at some future date, the adjacent properties at 50 East 3900 North and 35 East 3700 North develop and improve their lots. However, the proposed street would still give sufficient access to the new lots proposed in this subdivision.

The lots in the proposed subdivision need to meet the requirements of the R1.10 Single-Family Residential zone and are currently under review of the Coordinator Review Committee.

FINDINGS OF FACT

1. The proposed subdivision in the R1.10 zone.

2. The proposal would create five lots, four of which would be vacant for future single-family home development.

3. The dimensions of the proposed lots meet all the minimum lot size requirements found in Chapter 14.10, Provo City Code.

CONCLUSIONS

It is anticipated that the proposed subdivision will meet all zoning requirements and technical requirements of Provo City, and should be approved with the condition that the technical requirements be completed prior to recording of the plat.

RECOMMENDATION

Staff recommends that the five-lot residential subdivision of 2.29 acres at 76 East 3900 North be approved, with the following conditions:

CONDITIONS OF APPROVAL

1. That the technical requirements of the CRC be completed prior to recording the plat.

ATTACHMENTS

1. Proposed subdivision

2. Property aerial
ATTACHMENT 1 – PROPOSED SUBDIVISION